

## **MINUTES**

### **263rd Meeting Contractors' Registration and Licensing Board October 12, 2011**

**(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:42 PM.**

**(B) Approval of the agenda and order of business was accepted on a motion by Mr. Dave Caldwell seconded by Mr. Arthur Salisbury.**

**(C) The minutes of the 262nd meeting were approved on a motion by Mr. Arthur Salisbury and seconded by Mr. Dave Caldwell.**

**(D) Court Case Update:**

#### **September 2011: Court Ordered Restitution/Fines:**

<b>Contact</b>	<b>Claim/File</b>	<b>Fines</b>	<b>Restitution</b>	<b>Complainant</b>
Dale, Brian	7366	250	4,025	Robinson
Morrell, Gary	6689	--	20,025	Bobola
Morrell, Gary	6728	--	13,400	Berntson
Morrell, Gary	6871	--	19,000	Remington
Morrell, Gary	5444 (3,4,5)	(see ct dispo)	--	NRB
Costello, M.	7455	--	3,825.00	Sivo
Eacueo, M.	5280	250	10,960.00	Robinson

**Totals: Fines \$500.00 Restitution \$71,235.00**

**TOTAL: \$71,735.00**

**September 2011: Funds Received Via AG's Office:**

<b>Contact</b>	<b>Claim/File</b>	<b>Fines</b>	<b>Restitution</b>	<b>Complainant</b>
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<b>Mercurio</b>	<b>3467</b>	<b>--</b>	<b>200</b>	<b>Evans</b>
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<b>Marr, Frank</b>	<b>4480</b>	<b>--</b>	<b>50</b>	<b>Lamphere</b>
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<b>Costello, M.</b>	<b>7091</b>	<b>--</b>	<b>1,675</b>	<b>Ordway</b>
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**Totals: Fines \$ Restitution \$1,925.00**

**TOTAL: \$1,925.00**

**Warrants Issued/Outstanding:**

**Bandilla, Stephen Reg. # 27949**

**Arrested/Surrendered:**

**Costello, Myles Reg. # 33019**

**Hoyt, Nicholas Reg. # 31390**

**(E) Consideration of Cases on Appeal and Oral Argument:**

**1.) 12:40 PM, Claim #7447, Bouchard vs. Innis, Home Improvement Specialist, registration #8808, exceptions filed by the Respondents attorney Joseph Hook.**

**Both parties were present and both were represented by counsel. The Building Official Board member, William Nash, recused himself from hearing this matter in that the work was performed in is town. Mr. Hook presented his exceptions to the proposed order issued and felt that the rules and regulations did not support the new changes made to the general laws and the Board should be following their rules and regulations. He also requested a reduced or not imposing the fines assessed to his client the Respondent. After much discussion and many concerns it was requested by the chair that the parties take some time and discuss this further for possible settlement. Both parties left the room to discuss possible settlement. Upon their return, both attorneys Laura Bataro and Joseph Hook presented an agreement to stay the current proposed order inclusive of the fines and action on registration, pending the Boards approval; that a payment would be made to the homeowners in the amount of \$5,000.00 on October 26, 2011 and another on November 26, 2011 for the amount of \$5,000.00; additional payments starting January 1, 2012 for a period of 18 months payments in the amount of \$1,111.00 would be made until the sum of \$20,000.00 was paid to the Claimant, for a total of \$30,000.00; all payments to be in form of a certified check or money order; if any payment is more than 30 days late then the stay granted by the Board after notification by the Claimant of non-compliance would be lifted and the Final Order issued assessing**

**all the fines but crediting any payments made to the Claimant to the fines imposed in the order, loss of registration and prosecution of the final order will result. If this agreement is fulfilled then the Board would reduce the fines in the order to \$2,500.00 with a payment plan of \$500 per month for five months starting after the homeowner received the \$30,000.00 agreed to in this settlement offer. Upon much discussion a motion was made by Edgar Ladouceur and seconded by J.L. Brillion to agree to stay this and go forward with this stipulated agreement; motion carried unanimously.**

**2.) 1:00 PM, File #7553, violation # 1, Peter Ruggiero NRB, exceptions filed to the Proposed Order issued. The contractor presented his case before the Board who reviewed the file and the evidence presented at the administrative hearing. After answering questions put forth by the members, the Respondent asked for a reduction of fines and reconsideration of payment ordered by the hearing officer. The Board on a motion by Felix Carlone and second by J.L. Brillion to modify the decision rendered by the hearing officer to impose no payment to the homeowner who knowingly hired a contractor who was not registered and to reduce the fine imposed to \$400.00. Motion passed unanimously, and a final order will be issued in this regard.**

**3.) 1:20 PM, Claim #7474, Aneyci vs. Lima, D. Lima Construction; Motion to Vacate**

**the Final Order issued by the Board, filed by the Respondent. This matter was**

appealed by the RESPONDENT before the full Board on October 12, 2011. This

motion was reviewed the exceptions filed and listened to testimony from both

parties in attendance. Upon reviewing the evidence put forth in the file and

exceptions filed, the Board on a motion by the chair and second by the vice-

chairman unanimously denied the motion and the Final Order will remain as

issued. After the decision was rendered both parties agreed to work together

to get a settlement which will be put forth to the executive director hopefully to

resolve this matter before matter get to court for prosecution.

## **EXPUNGEMENTS:**

1.) 1:40 PM, Registration #16627, SMD Construction, Claim #7518. This matter was

continued and not heard by the Board.

2.) 1:45 PM, Registration #32816, Real Pro Rehab Spec. & Cons Inc., Gregory

Robinson Sr., File #6876 & Claim #7044. In this matter the

**Registrant presented**

**His reasons to remove this claim and violation to the Board. In light of the fact that this claim was still currently in court the Board felt that until the court issue was resolved that this should not be removed; however if resolved favorably then could re-partition to have this record expunged. The Board reviewed the violation as well and on both of these matters a motion was made by Felix Carlone and seconded by William Nash to deny. When it was brought to the Boards attention that the reason this matter was here was that the homeowner was a contractor and performing work on his property to turn the property around. After much discussion the Board asked staff to research this and investigate further the information provided to the Board. If it was found that the house was being flipped and homeowner / contractor situation then this violation could be removed. Same parties made motion and all members except Mr. Ladouceur consented to the motion.**

**3.) 1:50 PM, Registration #21407, David Riales, Jr., D.A. Riales Construction, LLC.,**

**expungement of claims: #6036 & 7074. Mr. Riales presented his concerns of**

**having claims on his record and asked the Board to consider removing them.**

**After much discussion a motion was made by Ed Ladouceur and seconded by**

**Robert Cardoza to deny this expungement request. Motion carried unanimously.**

**4.) 2:00 PM, Registration #18809, Michael Petrillo, K E P Construction,**

**expungement of claims: #5592 and 5594. Mr. Petrillo presented his case to the**

**Board and noted that the claims were both filed by the same party against him and**

**that the matters were settled with the claimant in court. After asking a few**

**questions a motion was made by Felix Carlone and seconded by David Caldwell to**

**expunge the claims. Motion carried with one vote in the negative filed by Mr.**

**Ladouceur.**

**(F) Report of the Executive Director:**

**Report of the Executive Director and Staff:**

**(1) Statistics Report: 10/12/2011**

**Registrations:**

**Number of Registered Contractors 11579**

**Number of Cards Surrendered 5566 Number of Cards  
Expired/Lapsed 16024 Number of Cards Invalidated 1066  
Number of Cards Suspended 486  
Number of Cards Revoked 95**

**Registration Actions**

**09/14/2011**

**-10/12/2011**

**Number of New Registered Contractors 64**

**Number of Renewed Contractors 11515**

**Number of Cards Surrendered 46**

**Registrations Invalidated 1 Registrations Suspended 4**

**Registrations Revoked 3**

**Claims:**

**Administrative Appeals 3**

**Board Appeals 2**

**Address Trace 84**

**Awaiting Further Action 31**

**Court**

**608**

**Disposed 6236**

**Final Orders 44**

**Hearings 31**



**Out of State Services      25   Proposed Orders      113**

**Under Investigation      93**

**Total Claims Filed with the Board      7270**

**Number of New Claims Processed      12**

**09/14/2011-10/12/2011**

**Violations:**

**Action Against Registration      25**

**Advertising      3**

**Non-Registered Subcontractors      17**

**Cancelled Insurance      1446**

**Notice of Hearing      4**

**Non-Registered Contractors      836**

**TOTAL RECORDS      2331**

**Number of New Violations      23**

**09/14/2011-10/12/2011**

**Lapsed Registrations/Never Re-Newed:**

**September      2010**

	<b>October</b>	<b>2010</b>
<b>97</b>		
	<b>November</b>	<b>2010</b>
<b>54</b>		
	<b>December</b>	<b>2010</b>
<b>57</b>		
	<b>January</b>	<b>2011</b>
<b>57</b>		
	<b>February</b>	<b>2011</b>
<b>70</b>		
	<b>March</b>	<b>2011</b>
<b>89</b>		
	<b>April</b>	<b>2011</b>
<b>98</b>		
	<b>May</b>	<b>2011</b>
<b>90</b>		
	<b>June</b>	<b>2011</b>
<b>100</b>		
	<b>July</b>	<b>2011</b>
<b>63</b>		
	<b>August</b>	<b>2011</b>
<b>94</b>		
	<b>September</b>	<b>2011</b>
<b>167</b>		

**Month**

**# Tickets Issued**

## **Fines**

<b>January</b>	<b>0</b>
<b>\$00.00</b>	
<b>February</b>	<b>1</b>
<b>\$250.00</b>	
<b>March</b>	<b>1</b>
<b>\$550.00</b>	
<b>April</b>	<b>2</b>
<b>\$1,000.00</b>	
<b>May</b>	<b>3</b>
<b>\$800.00</b>	
<b>June</b>	<b>3</b>
<b>\$1,500.00</b>	
<b>July</b>	<b>5</b>
<b>\$2,000.00</b>	
<b>August</b>	<b>0</b>
<b>\$ 00.00</b>	

**Commercial Roofers: 10/12/2011**

<b>Number registered</b>	<b>137</b>
<b>Number surrendered</b>	<b>16</b>
<b>Number invalidated</b>	<b>54</b>
<b>Number suspended</b>	<b>1</b>

Number revoked	0
Pending approval	0

Registration Actions;	09/14/2011-10/12/2011
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Number of New Registered Contractors	2
Number of Renewed Roofer Contractors	135
Number of Cards Surrendered	0
Number of Expired/Lapsed	0
Registrations Invalidated	0
Registrations Suspended	0
Registrations Revoked	0

**(G) Old Business:**

**(1.) Review of regulations, laws and standards, established by sub-committee, report of committees and progress. No meetings have been held yet on this matter and no further progress. Legal Counsel and the Executive Director will meet to review these standards further and then bring modifications to sub-committee for discussion when time permits.**

**(H) New Business:**

**(1.) Budget: Funds are going to be utilized to purchase new card machines and in the future with new software be ready for picture**

identification cards.

Concerns were expressed by the executive director regarding expenditures from the boards restricted receipt account.

(2.) Computer Software Program Update on Progress (DBR), CAVU; Board

has been proceeding and making progress. Projected date has been moved

to Phase II which is possible for a November to go live date or early

December.

(3.) Retention Schedule; Legal counsel discussed with the Board and matter

will be given more consideration in the near future.

(4.) Board was advised that the position of investigator posted in mid June has

still not been released to have interviews and hire. Additionally; another

staff member retired who works the counter so we are down to one person

at the counter.

(5.) Legislation; Home Inspector legislation may be submitted early in the

session to try and implement this unfunded program. Additional legislation may be submitted regarding requiring code books to

**be issued**

**to each registrant as part of fee, insurance cancellation  
modifications**

**commercial roofing requirements and felony modification for  
repeat**

**offenders.**

**(6.) Attorney General Consumer Protection Award was briefly  
discussed and candidates will be recommended to the General for  
possible selection.**

**(7.) Educational: Working with the Rhode Island Builders Association  
in developing classes for continuing education as well as criteria.**

**(8.) NASCLA: Public service invitation was provided to Board  
members to get to schools interested in getting scholarship award.**

**(9.) Request by Sam at Brusco Design to have link to his web site  
from the Boards website. After review and discussion a motion was  
made by Dave Caldwell and second by Edgar Ladouceur not to  
provide link for this commercial venture. Motion carried unanimously.**

**(I) Public Comment: None**

**(J) Announcements: The next Board meeting is scheduled for  
Wednesday**

**November 09, 2011 at 12:30 PM Conference  
Room “A”, 2nd**

**Floor, One Capitol Hill, Providence, Rhode**

**Island.**

**(K) Adjournment: A motion was made by Mr. William Nash and seconded by Mr.**

**Edgar Ladouceur to adjourn at 3:20**

**PM.**

**Members Present: A. Salisbury, S.Carlino, E. Ladouceur, Martin Ezeama, William Geddes, David Caldwell, J. L. Brillion, R. Cardoza, Felix Carlone, W. Nash and R.Caniglia.**

**Members Absent: E. Anderson, who resigned from the Board, Paul Brunetti, S.Gianlorenzo and T Furey.**

**Others Present: George Whalen (Executive Director), Christy Hetherington (Attorney Generals Office, legal counsel), stenographer, staff and parties for appeals, motions and expungements .**

**Respectfully Submitted,**

**George W. Whalen**

**Executive Director**

**Rhode Island Contractors' Registration and Licensing Board**